UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/186
23 April 2002

Original: ENGLISH/RUSSIAN

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 23 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

With reference to documents E/CN.4/2002/164, E/CN.4/2002/165, E/CN.4/2002/166 and E/CN.4/2002/167 of 2 April 2002, circulated by the delegation of Armenia under item 9 of the agenda of the fifty-eighth session of the United Nations Commission on Human Rights, I am compelled once again to note with regret that the delegation of Armenia continues to submit grossly distorted information which does not correspond to the facts.

In connection with the documents circulated by the delegation of Armenia, I wish to state that they contain the usual barefaced propagandistic lies which are characteristic of the representatives of Armenia.

I would like to point out that the myth of Armenia's non-participation in the occupation of my country is used by that country with one single purpose - to justify its own crimes perpetrated during the aggression against Azerbaijan. Furthermore, what can be the true worth of the circulated documents and all the statements made by representatives of Armenia, in view of the fact that, in 1989, the Parliament of Armenia, in violation of all the principles and norms of international law, adopted a decision to annex part of the territory of another State - the Nagorny-Karabakh region of Azerbaijan?

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By depicting Armenia's claims over the territory of another independent State Member of the United Nations as the struggle of the Armenian population of the Nagorny-Karabakh region of Azerbaijan for self-determination, the representatives of Armenia are attempting to consign to oblivion the well-known facts concerning participation by the armed forces of their country in military operations on Azerbaijani territory, the holding of a significant number of citizens of Azerbaijan in Armenia as hostages and prisoners of war, and many cases of murder and aggression against them. Nor must we forget the terrorist acts committed by Armenia against citizens of my country both in Azerbaijan and in other States.

In this connection I wish to point out that the Republic of Armenia supports terrorism at the State level. Much could be said about the fond friendship between the authorities and ideologues of independent Armenia and Armenian international-style terrorists. I will dwell on only one example: as early as the mid-1990s a campaign was conducted to collect signatures in support of the terrorist Varuzhan Karapetyan, who had been convicted by a French court to life imprisonment for an explosion at a Turkish Airlines luggage counter at Orly Airport in Paris in 1983. The terrorists had calculated that the bomb would explode in the air, but by happy accident the flight was delayed and the deadly device went off on the ground. Eight people died as a result, including six French nationals. There should have been many more victims, according to the terrorists' calculations. As the Armenian mass media boasted, 1,227,473 signatures were collected from Armenian citizens in support of the terrorist. Moreover, in Armenia a school was named after this terrorist, and in Echmiadzin, the "Vatican of Armenia", an exhibition of his works of art was held. These efforts were crowned with success, and in May 2001 the French authorities released the terrorist from prison. Varuzhan Karapetyan then set off for Armenia, where he was welcomed as a national hero. Comments are superfluous, I think.

Concerning the expression "no people - no problem", which representatives of Armenia have added to their armoury and often make use of, I would like to remind you that in 1918 more than half a million Azerbaijanis lived in what is now Armenia. I would like to enquire of the representatives of Armenia as to the fate of these people. I hope the representatives of Armenia are not going to claim that they willingly left the places where they had always lived. Is this not eloquent testimony of the fact that the so-called principle of "no people - no problem" has long since been used in a planned way by the official authorities of Armenia itself?

One of the most monstrous crimes committed by the Armenian occupiers during what we call the Armenian-Azerbaijani conflict was the savage killing of the Azerbaijani population of the town of Khojaly. In a single night from 25 to 26 February 1992, 613 peaceful inhabitants were slaughtered, including 106 women and 83 children; 487 citizens suffered injuries of various kinds (including 76 minors); and 1,275 people were taken hostage. Although most of them managed to return to their motherland, the fate of 150 individuals is still unknown. Ten years have already passed since the day of that terrible tragedy, the scale and nature of which are fully in keeping with the definition of genocide which was reflected in the Convention on the Prevention and Punishment of the Crime of Genocide, approved by the United Nations General Assembly on 9 December 1948.

The events in the town of Khojaly were witnessed and recorded by independent international sources, who confirmed that Armenia had committed genocide against the Azerbaijani population of the town. The testimony of the independent sources has been circulated by the delegation of Azerbaijan at the current session of the Commission under item 9 of the agenda in document E/CN.4/2002/151 of 22 March 2002. I hoped that the representatives of the Armenian delegation would not deny this fact, which was confirmed by documentary evidence from witnesses from independent international sources.

However, Armenia continues to deny its responsibility for the act of genocide committed against the inhabitants of the town of Khojaly, attempting to falsify the facts and supply its own interpretation of them.

Proof may be found in this excerpt from a letter sent to Alexander Arzoumanian, the Minister for Foreign Affairs of Armenia, on 24 March 1997, by Holly Cartner, the Executive Director of Human Rights Watch/Helsinki:

> "As Executive Director of Human Rights Watch/Helsinki (formerly Helsinki Watch), I wish to respond to the March 3 Ministry of Foreign Affairs statement regarding the ... slaughter of Azeri civilians in the town of Khojaly in Nagorno Karabakh. In it, the Ministry argues that the Popular Front of Azerbaijan was responsible for the civilian deaths, supporting this argument by referring to an interview with [the] former President [of Azerbaijan Mr.] Ayaz Mutalibov and, incredibly, to a 1992 report by our organization. The report, *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, documents violations of humanitarian law in the conflict committed by both Azerbaijani and ... Armenian forces. Neither our overview and version of the events, nor the individual interviews with Azeri refugees from Khojaly and other villages in Nagorno Karabakh published in the report could ... support the notion that Azerbaijani forces wilfully prevented the evacuation of civilians or that they shot their own citizens. We are deeply distressed that the Ministry has, wittingly or unwittingly, linked our report to views which we reject and which our report does not reflect.
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> "Yet we place direct responsibility for the civilian deaths with ... Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.
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> "We welcome the use of our reports by governments and intergovernmental organizations, and we sincerely hope that there will be no further misrepresentation regarding the contents of our 1992 report."

I would also like to refer to the same authoritative independent source, concerning whose impartiality the representatives of Armenia can hardly harbour any doubts. In its publication *Seven Years of Conflict in Nagorno-Karabakh*, Human Rights Watch states that from the legal viewpoint, the participation of Armenian armed forces in military actions on the territory of Azerbaijan makes Armenia a party to an international armed conflict, specifically that between the Governments of Armenia and Azerbaijan.

I should also like to draw your attention to the fact that the delegation of Armenia is circulating for a second time, without modification, the information contained in document E/CN.4/2002/164 of 2 April 2002. I wish to emphasize that this is at variance with the established procedure concerning the submission of material to the secretariat and its distribution.

Concerning the issue of the events in Sumgait, which was raised by the Armenian delegation, I wish to remind you that the leading figure in the pogroms in Sumgait was a certain Edvard Grigoryan, an Armenian born in the town of Sumgait, who took an active and direct part in the killings and attacks on Armenians during the pogroms in the Armenian neighbourhoods.

On 22 December 1989 the Supreme Court of the Azerbaijani Republic sentenced Grigoryan to 12 years' imprisonment. The court found him to be one of the organizers of the disorder and large-scale slaughter. Written evidence from witnesses and victims showed that Grigoryan had a list of flats in which Armenians lived. All his Armenian victims agreed that Grigoryan was one of the organizers of and active participants in the pogroms and violence which occurred in Sumgait.

Concerning the issue of peace talks under the auspices of the CSCE Minsk group, which was raised by the representatives of Armenia, it must be recognized with regret that as a result of Armenia's destructive position, the negotiating process is currently deadlocked.

I wish to underline once again that, despite the extremely uncompromising and aggressive stance adopted by Armenia, Azerbaijan remains committed to the peaceful settlement of the armed conflict. The relevant resolutions of the United Nations Security Council and the decisions of CSCE and other international organizations on the conflict continue to form the basis for the settlement of this tragic conflict.

Armenia must acknowledge that it can guarantee its own security only by establishing relations of good neighbourliness and cooperation with all the States in the region.

We call on Armenia to take a civilized approach to the settlement of the conflict on the basis of respect for the sovereignty, territorial integrity and inviolability of the internationally recognized frontiers of States, and also for human rights and fundamental freedoms.

In conclusion, I wish to point out that Armenia's membership of the Commission on Human Rights runs counter to common sense. I have no doubt that the time will come when Armenia will receive its due at the hands of the international community.

I request you to circulate this letter as an official document of the fifty-eighth session of the Commission on Human Rights under agenda item 9.

(Signed) Murad NAJAFOV
Chargé d'affaires a.i.